

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 5163	DATE	7/29/2011
CASE TITLE	Calvin L. Merritte ®-53322) vs. Thomas Templeton , et al.		

DOCKET ENTRY TEXT

This Court hereby assess an initial partial filing fee for the appeal of the instant action as follows: The initial partial filing fee will be 20 percent of \$73.13, which is \$14.62. The trust fund officer at Merritte's place of confinement is ordered to collect the initial partial filing fee of \$14.62 and, once the amount is collected, to immediately transfer the funds to the Clerk of the Court of the United States District Court for the Northern District of Illinois at 219 S. Dearborn St., Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor. The Clerk of this Court is directed to serve a copy of this order to the trust fund officer at Plaintiff's place of confinement . In addition, the Clerk of this court should notify this court when such amount is collected in order for this court in turn to notify the Seventh Circuit of the payment and comply with that court's order.

■[For further details see text below.]

Docketing to mail notices.

STATEMENT

Pursuant to the Seventh Circuit's order, this court will assess an initial partial filing fee for the appeal of Plaintiff Calvin L. Merritte (Merritte) in this case. Pursuant to 28 U.S.C. § 1915, a "prisoner [that] brings a civil action or files an appeal in forma pauperis, . . . shall be required to pay the full amount of a filing fee." 28 U.S.C. § 1915. A court must "assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—(A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal." *Id.* The prison trust account statement most recently filed by Merritte indicates that between February 2010 and September 2010, the average monthly deposit was \$11.25 and the average balance was \$73.13. Therefore, the initial partial filing fee will be 20 percent of \$73.13, which is \$14.62.

The trust fund officer at Merritte's place of confinement is ordered to collect the initial partial filing fee of \$14.62 and, once the amount is collected, to immediately transfer the funds to the Clerk of the Court of

STATEMENT

the United States District Court for the Northern District of Illinois at 219 S. Dearborn St., Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor. The Clerk of this court is directed to serve or forward a copy of this order to the trust fund officer at Merritte's place of confinement . In addition, the Clerk of this court should notify this court when such amount is collected in order for this court in turn to notify the Seventh Circuit of the payment and comply with that court's order.

After payment of the initial partial filing fee, the trust fund officer at Merritte's place of confinement is directed to collect monthly payments from Merritte's trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from Merritte's trust fund account shall be forwarded to the Clerk of Court each time the amount in the account exceeds \$10 until the full \$350 is paid. All payments shall be sent to the Clerk of the Court of the United States District Court for the Northern District of Illinois at 219 S. Dearborn St., Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor, and shall clearly identify Merritte's name and case number assigned to this action. The trust fund officer at Merritte's place of confinement shall notify transferee authorities of any outstanding balance in the event Merritte is transferred from the jail to another correctional facility.